IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 13400 of 2007(T)

PETITIONER:

V.M.SABIR, AGED 53, BUSINESS,
S/O.V.M.MAMMU, RESIDING AT VADAKKAKATHU (H),
HOUSE NO.36/921B, NEAR LISIE HOSPITAL, ERNAKULAM,
COCHIN-18,P/AT.HOLDER REPRESENTING FOR V.M.SALIM,
AGED 57,BUSINESS, S/O.V.M.MAMMU, R/AT.VADAKKAKATHU
(H),H.NO.36/921 B(1),NEAR LISIE HOSPITAL,ERNAKULAM

BY ADV. SRI.LIJOY P.VARGHESE

RESPONDENTS:

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1. THE ASSISTANT ENGINEER,
ELECTRICAL MAJOR SECTION, K.S.E.B., KALOOR,
ERNAKULAM.

2. THE EXECUTIVE ENGINEER,
ELECTRICAL DIVISION, K.S.E.B., ERNAKULAM.

3. DEPUTY TAHASILDAR (RR),
KANAYANNUR TALUK, ERNAKULAM DISTRICT,
KOCHI-682 011.

4. DISTRICT COLLECTOR, COLLECTORATE,
ERNAKULAM.

R1 AND R2 BY SC SRI. P.P. THAJUDEEN
R3 AND R4 BY G.P. SRI. P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 PHOTOCOPY OF THE POWER OF ATTORNEY EXECUTED BY V.M. SALIM.

EXT.P2 PHOTOCOPY OF VERSION AND FOUR DOCUMENTS FILED BY THE RESPONDENTS, TIED TOGETHER WITH THEIR VERSION, BEFORE THE CDRF, EKM.

EXT.P3 PHOTOCOPY OF ORDER OF THE CDRF, EKM.

EXT.P4 PHOTOCOPY OF THE DEMAND NOTICE ISSUED BY THE RESPONDENT.

EXT.P5 PHOTOCOPY OF THE DEMAND NOTICE ISSUED BY THE .. RESPONDENT.

EXT.P6 PHOTOCOPY OF THE OBJECTION AGAINST EXHIBITS P3 AND P4 FILED BEFORE THE DEPUTY TAHSILDAR, KANAYANNUR TALUK, ERNAKULAM.

EXT.P7 PHOTOCOPY OF THE POSTAL RECEIPT RECEIVED ON SENDING THE OBJECTION.

EXT.P8 PHOTOCOPY OF THE OBJECTION AGAINST EXTS. P3 AND P4 FILED BEFORE THE DISTRICT COLLECTOR, ERNAKULAM.

EXT.P9 PHOTOCOPY OF THE APPEAL MEMORANDUM FILED BEFORE THE HONOURABLE KERALA STATE CONSUMER DISPUTE REDRESSAL COMMISSION AT THIRUVANANTHAPURAM.

EXT.P10 PHOTOCOPY OF RECEIPT DATED 5.7.2007 ISSUED BY THE OFFICE OF THE DEPUTY TAHSILDAR (RR) KANAYANNUR TALUK, ERNAKULAM.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 13400 OF 2007

Dated this the 11th day of September, 2007

JUDGMENT

Petitioner filed a complaint before the Consumer Disputes Redressal Forum which was dismissed. However, petitioner does not appear to have contested the penal electricity bill raised for unauthorised additional load. Demand is above Rs. 3 lakhs and this court ordered payment of Rs. 1.5 lakhs. Petitioner has produced Ext.P10 receipt towards payment of Rs. 1.5 lakhs. Petitioner's counsel submitted that petitioner was not served with penal bill. If the petitioner has not received penal bill, it is for the petitioner to get the bill from the first respondent and file appeal against the same before the Deputy Chief Engineer. If the petitioner files appeal within three weeks from now, there will be direction to the Deputy Chief Engineer to hear the petitioner and dispose of the appeal om merits within three months from the date of filing appeal. In view of payment of Rs. 1.5 lakhs, the balance will remain stayed for three months from now. Recovery thereafter will be based on orders in appeal. So far as regular

electricity bills are concerned, if the petitioner does not make payment Ele. Board is free to disconnect supply. Whatever be the worth of the appeal before the State Commission, petitioner can pursue the same. However, I make it clear that State Commission should not interfere with penal electricity bill which should be contested by the petitioner in appeal as stated above.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge